

RESOLUTION NUMBER R- 307507
DATE OF FINAL PASSAGE JUN 12 2012

STREET VACATION OF AN UNNAMED ALLEY
BETWEEN E AND F STREETS, EAST OF 15TH STREET
AND WEST OF 16TH STREET WITH RESERVATION
OF EASEMENT.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public rights-of-way by City Council resolution; and

WHEREAS, it is proposed that an unnamed alley between E and F Streets, east of 15th Streets and west of 16th Street , Public Right-of-way Vacation No. 822541, be vacated; and

WHEREAS, in connection with said vacation, the City desires to reserve and except a public easement(s); and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUN 12 2012, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to said alley, the Council finds that:

(a) There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

In that the alley is only one of four alleys within the entire Downtown Community Plan area and is the only alley which extends for the length of one entire block, the alley is not part of the community circulation network and instead is an anomaly in the community. Although the alley contains public and franchise companies' facilities, these facilities and access to them will be preserved by the reservation of an easement over the area necessary to protect the rights of the public and franchise entities whose facilities are located in the alley. That being the case, the alley is not necessary for circulation purposes. The alley has no prospective use. The circulation needs of the community will be served by other public rights-of-way in the community. There is no other public use of a similar nature designated in the adopted Downtown Community Plan or General Plan that can reasonably be anticipated.

(b) The public will benefit from the action through improved use of the land made available by the vacation.

Presently, that portion of property where the alley is located is limited by the existence of the public right-of-way in that the property must comply with the limitations imposed by the alley and these limitations restrict private development on the property. Thus, the alley is effectively a site constraint that limits the amount of the property that may be devoted to development and economic activity. The adopted Downtown Community Plan designates the site for employment and residential land uses. Without the vacation of the alley, new development for employment and residential land uses would not be allowed over the alley. Development of the alley property with employment and or residential land uses will be for the betterment of the

community and will positively influence the economic and social development opportunities and services within the City. The public will benefit by the vacation of the alley through the economic and physical development of the property.

- (c) The vacation does not adversely affect any applicable land use plan.

The adopted Downtown Community Plan identifies this property for employment and residential land development. The vacation of the alley will facilitate the economic and physical development of the property at an intensity and density recommended by the adopted Downtown Community Plan. Without the vacation of the alley, the recommended intensity and density for the property as identified by the Downtown Community Plan would not be realized. For these reasons, the proposed vacation of the alley is consistent with the policies and goals of the adopted Downtown Community Plan.

- (d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The alley was acquired for the purposes of providing physical circulation to the general public and adjacent property owners. In that the alley is only one of four alleys within the entire Downtown Community Plan area and is the only alley which extends for the length of one entire block, the alley is not part of the community circulation network and instead is an anomaly in the community. Although the alley contains public and franchise companies' facilities, these facilities and access to them will be preserved by the reservation of an easement over the area necessary to protect the rights of the public and franchise entities whose facilities are located in the alley. That being the case, the alley is not necessary for circulation purposes. The alley has no prospective use for the circulation purposes for which it was originally acquired. There is no other use of a like nature for this alley that can reasonably be anticipated and the purpose for

which the alley was originally acquired no longer exists. A reservation of an easement will protect the rights of those whose facilities are located in the alley such that the needs of those easement holders will continue to be served. The public facility for which the alley was acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that an unnamed alley, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 36353-B, marked as Exhibit "B," attached hereto and made a part hereof, is ordered vacated.

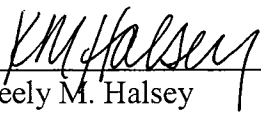
BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from the foregoing vacation the permanent easement for public utility purposes, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 36353-B, marked as Exhibit "B."

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along, and across that portion of unnamed alley vacated by this document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 36356-B, marked as Exhibit "B."

BE IT FURTHER RESOLVED, that said vacation is made upon the condition that City standard twenty-foot wide driveways at each access point with 15th Street and 16th Street, per Standard Drawings SDG-114, G-16 and SDG-100, shall be installed, and a Joint Use Driveway/Mutual Access Agreement between all affected properties, acceptable to the City Engineer, shall be recorded. In the event this condition is not completed within three years following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Keely M. Halsey
Deputy City Attorney

KMH:als
5/7/2012
Or.Dept:DSD
Doc. No. 366142

EXHIBIT "A"
LEGAL DESCRIPTION
OF
ALLEY VACATION

ALL THAT ALLEY SHOWN ON THE SUBDIVISION OF BLOCK 7 OF CULVERWELL'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 446, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 24, 1886. VACATED.

RESERVING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY OVER, UNDER AND ALONG THE EASTERLY 100.00 FEET OF SAID ALLEY.

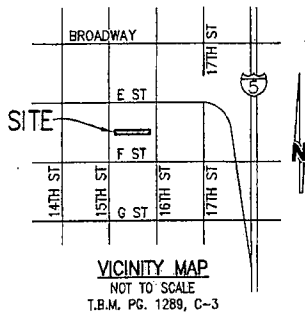
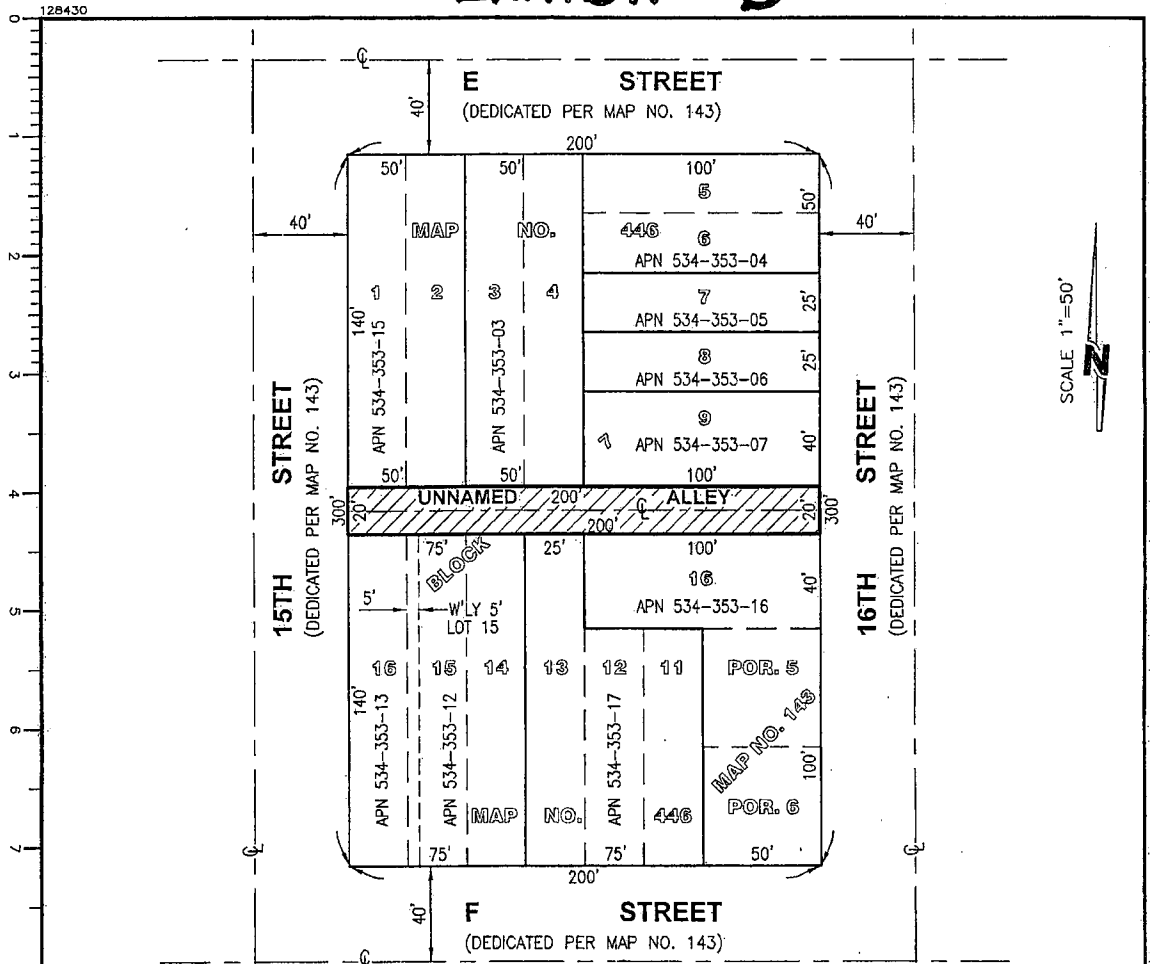
ALSO, RESERVING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF AT&T OVER, UNDER AND ALONG THE NORTHERLY HALF AND THE EASTERLY 100.00 FEET OF THE SOUTHERLY HALF OF SAID ALLEY.

ALSO, RESERVING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF COX COMMUNICATIONS OVER, UNDER AND ALONG THE EASTERLY 150.00 FEET OF SAID ALLEY.



I.O. NO. 24001461
P.T.S. NO. 229932
DWG. NO. 36353-B

EXHIBIT "B"



LEGEND
 ALLEY IN SUBDIVISION OF BLOCK 7, CULVERWELL'S ADDITION, DEDICATED TO THE CITY OF SAN DIEGO ON MAP NO. 446, REC. NOVEMBER 24, 1886 - VACATED.
 INDICATES CENTERLINE

REFERENCE MAPS:
 MAP NO. 143
 MAP NO. 446

ASSESSOR PARCEL NUMBERS
 534-353-03, 07, 12, 13, 15-17

NOTE
 SEE SHEET 2 FOR EASEMENT DETAIL AND NOTES.

SPEAR & ASSOCIATES, INC
 CIVIL ENGINEERING AND LAND SURVEYING
 475 PRODUCTION STREET, SAN MARCOS, CA. 92078
 PHONE (760) 736-2040 FAX (760) 736-4866

BY: DATE: 4/16/2012
 L.S. 6404

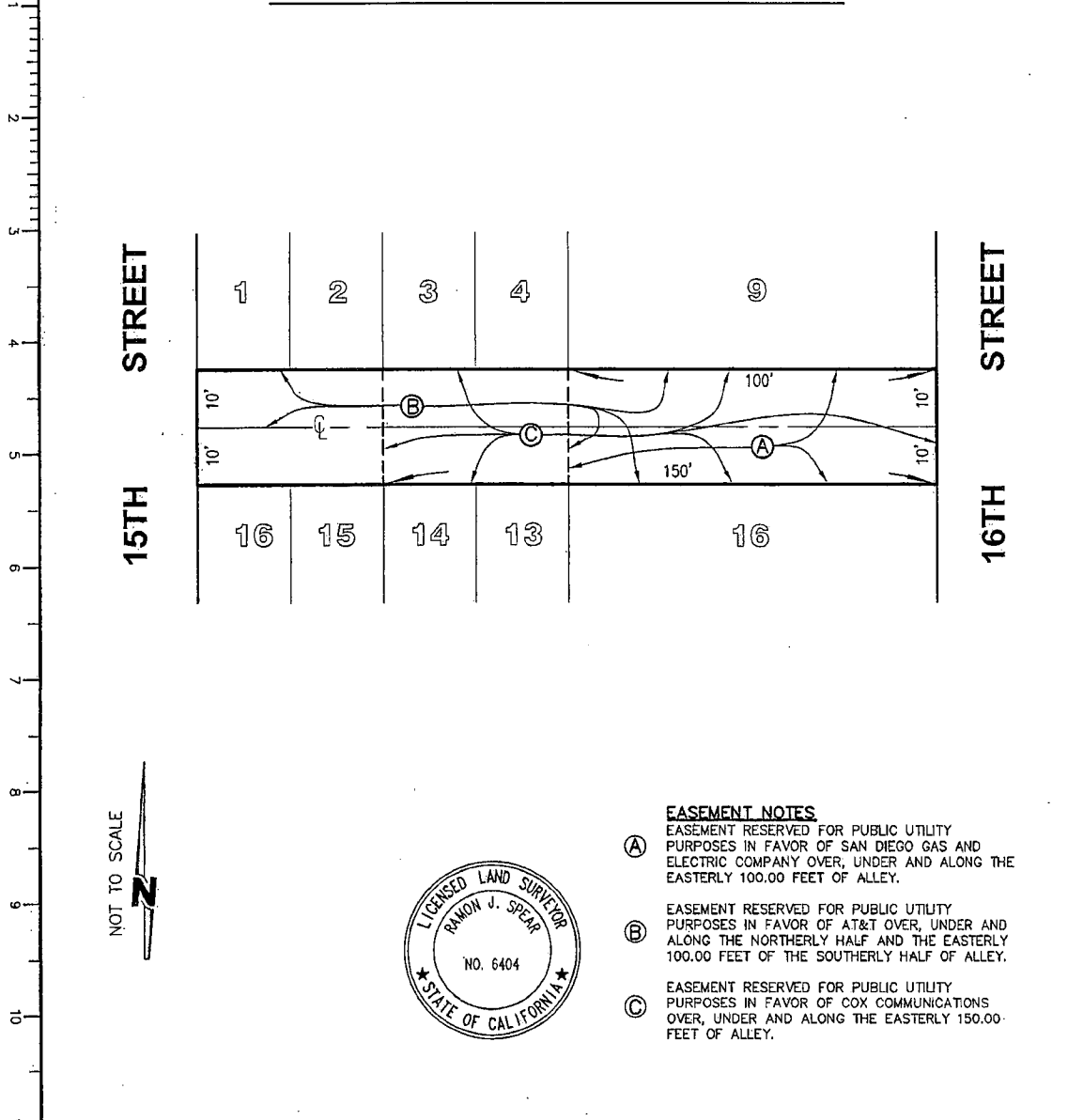
PUBLIC ALLEY RIGHT-OF-WAY VACATION SUBDIVISION OF BLOCK 7, CULVERWELL'S ADDITION, MAP NO. 446

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	I.O.
ORIGINAL	S&A				SHEET 1 OF 2 SHEETS	24001461
	✓	JM	4/17/12		4-17-2012 FOR CITY ENGINEER DATE	P.T.S. NO. 229932
						1841-6285 CCS 83 COORDINATES
						200-1723 LAMBERT COORDINATES
						36353-B

EXHIBIT "B"

128430

DETAIL OF EASEMENT RESERVATIONS



EASEMENT NOTES

- (A) EASEMENT RESERVED FOR PUBLIC UTILITY PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY OVER, UNDER AND ALONG THE EASTERLY 100.00 FEET OF ALLEY.
- (B) EASEMENT RESERVED FOR PUBLIC UTILITY PURPOSES IN FAVOR OF AT&T OVER, UNDER AND ALONG THE NORTHERLY HALF AND THE EASTERLY 100.00 FEET OF THE SOUTHERLY HALF OF ALLEY.
- (C) EASEMENT RESERVED FOR PUBLIC UTILITY PURPOSES IN FAVOR OF COX COMMUNICATIONS OVER, UNDER AND ALONG THE EASTERLY 150.00 FEET OF ALLEY.



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BY: *[Signature]* 4/16/2012
 L.S. 6404 DATE

PUBLIC ALLEY RIGHT-OF-WAY VACATION SUBDIVISION OF BLOCK 7, CULVERWELL'S ADDITION, MAP NO. 446

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	S&A				SHEET 2 OF 2 SHEETS	
	✓	Jm	4/17/12		<i>Gregory P. Hopkins</i> FOR CITY ENGINEER	4-17-2012 DATE
						1841-6285 CCS 83 COORDINATES
						200-1723 LAMBERT COORDINATES
						36353-2-B

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